

FORM 26. Docketing Statement

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July 2020

# UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

## DOCKETING STATEMENT

Case Number: 2023-1501

Short Case Caption: Apple Inc. v. Gesture Technology Partners, LLC

Filing Party/Entity: Gesture Technology Partners, LLC

**Instructions:** Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
USPTO	See Attachment A	Inter Partes Review

Relief sought on appeal: ☐ None/Not Applicable

See Attachment A.

Relief awarded below (if damages, specify): ☐ None/Not Applicable

The Board determined that claims 4, 11, and 18 of U.S. Patent No. 8,878,949 are patentable and that claims 1 - 10, 12, and 14 - 31 are unpatentable.

Briefly describe the judgment/order appealed from:

The Board determined that claims 4, 11, and 18 of U.S. Patent No. 8,878,949 are patentable and that claims 1 - 10, 12, and 14 - 31 are unpatentable.

Nature of judgment (select one):

Date of judgment: 12/5/22

☒ Final Judgment, 28 USC § 1295☐ Rule 54(b)☐ Interlocutory Order (specify type) \_\_\_\_\_☐ Other (explain) \_\_\_\_\_

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☐ None/Not Applicable

See Attachment A.

Issues to be raised on appeal: ☐ None/Not Applicable

See Attachment A.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below  
☒ During the pendency of the case below  
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☐ Yes ☒ No

If they were mediated, by whom?

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

This appeal involves the substantive issue of patentability rather than monetary damages, making settlement unlikely at this stage or proceedings.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

N/A

Date: 2/27/23 Signature: /s/ Fred I. Williams  
Name: Fred I. Williams

**Attachment A:**

**Originating Case Numbers:**

- IPR2021-00921, IPR2022-00092, and IPR2022-00362

**Relief sought on appeal:**

- Affirmance of the Patent Trial and Appeal Board's (the "Board") determination that claims 4, 11, and 18 of U.S. Patent No. 8,878,949 are patentable and reversal of the Board's determination that claims 1 – 10, 12, and 14 – 31 are unpatentable.

**Related Cases:**

- *Gesture Technology Partners v. Unified Patents. LLC*, Case No. 2023-1444
- *Gesture Technology Partners, LLC v. Apple Inc.*, Case No. 2023-1463
- *Apple Inc. v. Gesture Technology Partners, LLC*, Case No. 2023-1475
- *Apple Inc. v. Gesture Technology Partners, LLC*, Case No. 2023-1494

**Issues to be raised on appeal:**

- Affirmance of the Patent Trial and Appeal Board's (the "Board") determination that claims 4, 11, and 18 of U.S. Patent No. 8,878,949 are patentable and reversal of the Board's determination that claims 1 – 10, 12, and 14 – 31 are unpatentable.